

REMARKS

The claims remaining in the present application are Claims 1-27. Claims 1, 3, 5, 7-8, 10, 24, and 27 have been amended. No new matter has been added as a result of these amendments.

35 U.S.C. §112

Claim 1 is rejected with respect to “automatically continuing the processing of said order.” The rejection asserts that the scope of this limitation is unknown. The term automatically has been removed from this phrase. Applicants respectfully assert that the scope of to “continuing the processing of said order,” is clearly defined and distinctly claimed. Applicants assert that amended Claim 1 complies with 35 U.S.C. §112.

In rejecting a claim under second paragraph of 35 USC 112, it is incumbent on the examiner to establish that one of ordinary skill in the pertinent art, when reading the claims in light of the supporting specification, would not have been able to ascertain with a reasonable degree of precision and particularity the particular area set out and circumscribed by the claims. *Ex parte Wu*, 10 USPQ 2d 2031, 2033 (B.P.A.I. 1989, emphasis added).

Applicants respectfully submit that rejection fails to establish why one of ordinary skill in the art would not be able to ascertain with a reasonable degree of precision and particularity the particular area set out and circumscribed by the Claim 1. Rather, the rejection only presents a conclusion that the scope cannot be determined, without

any analysis supporting this conclusion. If the rejection is to be maintained, the Applicants respectfully request an explanation as to why one of ordinary skill in the pertinent art, when reading the claims in light of the supporting specification, would not have been able to ascertain with a reasonable degree of precision and particularity the particular area set out and circumscribed by the claims.

Claims 5, 7, 8, 24, and 27 have been amended to correct informalities. Applicants assert that amended Claims 5, 7, 8, 24, and 27 comply with 35 U.S.C. §112.

Claim 18 has been rejected for use of parentheses. Applicants respectfully submit that contrary to the assertion in the rejection, parentheses are not reserved for reference numerals. Moreover, the use of parentheses in claims is a common practice. The Applicants draw the Examiner's attention to cited prior art Lemble, U.S. Pat. No. 5,315,504, which uses parentheses in the preamble of Claim 1.

Claim 18 has also been rejected with respect to the term "Extensible Markup Language." Applicants respectfully submit that the Extensible Markup Language is a known language to those of ordinary skill in the art. As such, the scope of Claim 18 is ascertainable with a reasonable degree of precision and particularity by one of ordinary skill in the art.

Moreover, Applicants respectfully submit that rejection fails to establish why one of ordinary skill in the art would not be able to ascertain with a reasonable degree of precision and particularity the particular area set out and circumscribed by the Claim 18. Rather, the rejection only presents a conclusion that the scope cannot be determined, without any analysis supporting this conclusion. Applicants respectfully assert that Claim 18 complies with 35 U.S.C. §112, ¶2.

Claim 26 has been rejected with respect to antecedent basis for “said product configuration” in b). It is not required that the Applicants use the exact same phrase each time a term is presented in a claim, so long as the scope of the claim is reasonably ascertainable by those skilled in the art. One of ordinary skill in the art would reasonably ascertain that “the product configuration” in b) is referring back to “a product in said order is configured” in a). See, for example, *Ex parte Porter*, 25 USPQ 2d 1144, 1146 (B.P.A.I. 1992).

The term “the controlled fluid”, appearing in claim 7 finds reasonable antecedent basis in the previously recited “controlled stream of fluid,” in our opinion. Stated differently, the scope of claim 7 would be reasonably ascertainable by those skilled in the art (emphasis added).

As there is a clear antecedent basis for “said product configuration” in b), Claim 26 complies with 35 U.S.C. §112.

35 U.S.C. §101

Claims 1-22 and 26-27 are rejected under 35 U.S.C. §101. Applicants understand the rejection to be that the claims lack sufficient computer structure to be within the “technological arts.” Claims 1 and 10 have been amended to clarify that the method is a computer-implemented method. As such, Applicants respectfully submit that amended Claims 1-22 comply with 35 U.S.C. §101.

Claims 26-27 are drafted in means-plus-function format, in accordance with 35 U.S.C. §112, ¶6. The instant specification discloses a computer system in Figure 4. Applicants respectfully submit that Claims 26-27 recite sufficient computer structure to be within the “technological arts.” As such, Applicants respectfully submit that Claims 26-27 comply with 35 U.S.C. §101.

35 U.S.C. §102


Claims 1-27 stand rejected under 35 U.S.C. §102 as being anticipated by Viswanath, U.S. Published Patent Application No. 2003/0074269 A1. The rejection is respectfully traversed for the reasons below.

The filing date of Viswanath is October 15, 2001. Applicants’ date of invention is no later than the filing date of the present application, which is February 15, 2001. As Viswanath was filed after February 15, 2001, Viswanath is not a valid prior art reference under 35 U.S.C. §102. As such, Claims 1-27 are not anticipated by Viswanath.

CONCLUSION

Based on the arguments and amendments presented above, it is respectfully submitted that Claims 1-27 overcome the rejections of record. Therefore, allowance of Claims 1-27 is respectfully solicited.

Should the Examiner have a question regarding the instant amendment and response, the Applicants invite the Examiner to contact the Applicants' undersigned representative at the below listed telephone number.

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